

REMARKS

Applicant acknowledges receipt of the Office Action mailed June 9, 2010. In the Office Action¹ the Examiner took the following actions:

1. Rejected claims 1, 2, 4, 5, and 30-34 as directed to non-statutory subject matter under 35 U.S.C. § 101;
2. Rejected claims 2, 4, and 5 as indefinite under 35 U.S.C. § 112, second paragraph;
3. Rejected claims 1, 2, 4², 6-8, 10, 12-15, 27, and 30-32 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,615,408 to Johnson et al. ("*Johnson*") in view of U.S. Patent No. 7,620,592 to O'Mara et al. ("*O'Mara*");
4. Rejected claim 28 under 35 U.S.C. § 103(a) as obvious over U.S. Patent Publication No. 2002/0042763 to Pillay et al. ("*Pillay*");
5. Rejected claim 5 and 11 under 35 U.S.C. § 103(a) as obvious over *Johnson* in view of *O'Mara* and further in view of U.S. Patent No. 7,231,202 to Natsuno ("*Natsuno*").
6. Rejected claim 16, 18-25, 33, and 34 under 35 U.S.C. § 103(a) as obvious over *Johnson* in view of *O'Mara* and further in view of U.S. Patent No. 7,024,386 to Mills et al. ("*Mills*").

In this reply, Applicants amend claims 1, 4-8, 10-16, 18-25, 27, 28, and 30-34.

Applicants cancel claim 2. Claims 1, 4-8, 10-16, 18-25, 27, 28, and 30-34 remain pending and under examination. The originally-filed specification, claims, abstract, and drawings fully support the amendments to the pending claims. No new matter has been added.

I. 35 U.S.C. § 101 REJECTION

The Office Action rejects claims 1, 2, 4, 5, and 30-34 as directed to non-statutory subject matter under 35 U.S.C. § 101. Applicants cancel claim 2 rendering the rejection of that claim moot. Applicants respectfully traverse the rejection of the remaining

¹ The Office Action may contain statements reflecting characterization of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² The Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *O'Mara*. However, Applicants had previously cancelled claim 3.

claims. However, to advance prosecution, Applicants amend claim 1 to recite a "system for managing information relating to credit of a customer" with certain components implemented on an computer. Applicants also amend claims 30 and 33 to recite a "computer-readable medium storing instructions, which when executed by a processor, cause the processor to perform a method" with certain steps performed using a processor.

For the foregoing reasons, Applicants respectfully request that the rejections of claims 1, 4, 5, and 30-34 under 35 U.S.C. § 101 be withdrawn.

II. 35 U.S.C. § 112 REJECTION

The Office action rejects claims 2, 4, and 5 as indefinite under 35 U.S.C. § 112 second paragraph. Specifically the Office Action alleges that "[c]laim 1 is directed to a computer system while the dependent claims are directed to a credit management system." (*Office Action*, pg. 4.) Applicants cancel claim 2 rendering the rejection of that claim moot. Applicants amend claims 4, and 5 to recite at least "[a] computer system as in claim 1."

Based on the foregoing reasons, Applicants respectfully request that the rejections of claims 4, and 5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

II. 35 U.S.C. § 103(a) REJECTION

Applicant respectfully traverses the rejection of claims 1, 4, 6-8, 10, 12-15, 27, and 30-32 under 35 U.S.C. § 103 as obvious from *Johnson* in view of *O'Mara*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections

on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., 8th Ed., Rev.7 (July 2008) (internal citation and inner quotation omitted). "[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

The M.P.E.P. also states that "[t]he examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusions of common knowledge." M.P.E.P. § 2144.03(B). The M.P.E.P. further rejects "the notion that judicial or administrative notice may be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice." M.P.E.P. § 2144.03(A) (citations omitted).

Claims 1, 2, 4, 6-8, 10, 12-15, 27, and 30-32

Applicant cancels claim 2 rendering the rejection of this claim moot.

Claim 1 calls for a combination including, for example, a credit rules engine which "calculates an internal credit score and internal credit limits by combining: the external credit score; the credit data received from the credit information manager; the credit limit master data; the calculated open and used credit; and the accounting

information related to the customer." *Johnson* fails to teach or suggest at least these elements recited in claim 1.

Johnson discloses that "[a]dditional information relating to the credit status of the customer may also be used by the credit risk manager to adjust the credit extended to the customer" and that in evaluating the credit risk "data concerning the customer's billing and payment history may be obtained . . . [by] the credit risk manager. This data may be used in conjunction with or as a replacement for, the credit score data." (*Johnson* 10:46-56.) However, using the additional data in conjunction with or as a replacement for the credit score does not constitute "calculat[ing] an internal credit score and internal credit limits by combining: the external credit score; the credit data received from the credit information manager; the credit limit master data; the calculated open and used credit; and the accounting information related to the customer" as recited in claim 1.

Although the Office Action acknowledges that *Johnson* "does not explicitly disclose: generating an internal credit scoring and internal credit limit, the Office Action asserts that *O'Mara* teaches these elements of claim 1. (*Office Action*, pg. 6.) Specifically, the Office Action cites *O'Mara* for a teaching of "receives, compiles, calculates or otherwise collects a broad range of information or data elements in various data element categories for individual merchants." (*Id.*) However, this is not correct.

O'Mara discloses "a first level process [including] determining a rule score and/or a risk score for each merchant identified in the first subset of merchants." (*O'Mara*, 5:25-28, 9:55-57.) *O'Mara* further discloses that the "rule score may be determined, for example, based on the number of level one rules satisfied or broken. Furthermore, the

level one rules may be weighted differently." (*Id.* at 8:57-59.) *O'Mara* also discloses a second level process in which "level two rules" are "applied to the first list of merchants and associated data elements, rule scores and/or additional information." (*Id.* at 10:40-43.) The second level process of *O'Mara* "may include obtaining credit scores from a suitable source In addition, behavioral scores may be calculated." (*Id.* at 10:46-47.) Further, *O'Mara* discloses that "[b]ehavioral scores are risk scores based on merchant transaction processing behavior." (*Id.* at 10:46-47.) However, determining a rule score, risk score, or behavioral score does not constitute "calculat[ing] an internal credit score and internal credit limits by combining: the external credit score; the credit data received from the credit information manager; the credit limit master data; the calculated open and used credit; and the accounting information related to the customer" as recited in claim 1.

The Office Action concedes that "both Johnson and *O'Mara* don't explicitly disclose an internal credit limit." (*Office Action*, pg. 6.) Nevertheless, the Office Action states that the "examiner finds it to have been obvious to derive an internal credit limit from a calculated internal credit score because the credit score's value is regularly used to measure credit worthiness in the extending credit." (*Id.*) To the extent, the Office Action relies on common knowledge or official notice of the state of the art in making this statement, Applicants traverse the rejection of claims 1, 4, 6-8, 10, 12-15, 27, and 30-32 based on this statement.

The Office Action fails to provide any factual findings or documentary evidence to support its conclusion that deriving an internal credit limit from a calculated internal credit score was obvious. It also fails to explain why calculating "internal credit limits by

combining: the external credit score; the credit data received from the credit information manager; the credit limit master data; the calculated open and used credit; and the accounting information related to the customer" as recited in claim 1 would be obvious to one of ordinary skill in the art. Moreover, even if the Examiner's statement were appropriate, which Applicants do not concede, such a statement does not overcome the deficiencies of *Johnson* and *O'Mara* discussed above.

For at least the foregoing reasons, the Office Action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the prior art and claim 1. Moreover, the Office Action has not identified any factors that would have motivated one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combination. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1 and the claim should be allowed.

Independent claims 6, 12, and 30, although of a different scope from claim 1, include elements similar to those set forth above with respect to claim 1. Accordingly a *prima facie* case of obviousness has not been established for claims 6, 12, and 30 for at least reasons similar to those given above and these claims should be allowed.

Claims 4, 7, 8, 10, 11, 13-15, 31, and 32 depend from one of independent claims 1, 6, 12, and 30 and are, thus, allowable at least for the reasons set forth above with regard to their respective allowable base claims.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 4, 6-8, 10, 12-15, 27, and 30-32 under 35 U.S.C. § 103(a).

Claim 28

Applicants respectfully traverse the rejection of claim 28 under 35 U.S.C. § 103 as obvious from *Pillay*. A prima facie case of obviousness has not been established.

Claim 28 calls for a combination including, for example, "obtaining, by a computer, a first list of customers from an accounts receivable system," and "obtaining, by a computer, a second list of customers from a billing system." *Pillay* fails to teach or suggest at least these elements recited in claim 28.

The Office Action acknowledges that "Pillay does not explicitly disclose taking information relating to a predetermined percentage of customer, report[ed] by the account receivable system, a predetermined percentage reported by the billing system, critical customers' information, and suspicious customers' information and preparing a report there from." (*Office Action*, pg. 13.) However, the Examiner alleges that *Pillay* discloses "preparing a report that considers information from the billing system account receivable system critical information and suspicious information which are all embodied on the credit report." (*Id.*) Even assuming the Examiner's characterization of *Pillay* is correct, which Applicants do not concede, *Pillay* fails to teach or suggest at least "obtaining, by a computer, a first list of customers from an accounts receivable system, [and] obtaining, by a computer, a second list of customers from a billing system" as recited in claim 28. (Emphasis added.)

The Office Action also alleges that "[i]t would have been obvious to limit the report generation to utilizing predetermined percentages of available information for the purpose of allowing forgiveness on past adverse credit events." (*Office Action*, pg. 13.) To the extent that the Examiner relies on common knowledge or official notice of the

state of the art for this statement, Applicants traverse the rejection of claim 28 based on this statement. Moreover, even if the Examiner's statement were appropriate, which Applicants do not concede, such a statement does not overcome the deficiencies of *Pillay* discussed above.

For at least the foregoing reasons, the Office Action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the prior art and claim 28. Moreover, the Office Action has not identified any factors that would have motivated one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combination. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim obvious to one of ordinary skill in the art. Therefore, a prima facie case of obviousness has not been established with respect to claim 28 and the claim should be allowed.

Claims 5 and 11

Applicants respectfully traverse the rejection of claims 5 and 11 under 35 U.S.C. § 103 as obvious from *Johnson* in view of *O'Mara* and further in view of *Natsuno*. A prima facie case of obviousness has not been established.

Claims 5 and 11 depend from one of independent claims 1 and 6. As discussed above, *Johnson* and *O'Mara* individually or in combination fail to teach or suggest at least "calculat[ing] an internal credit score and internal credit limits by combining: the external credit score; the credit data received from the credit information manager; the credit limit master data; the calculated open and used credit; and the accounting information related to the customer" as recited in independent claims 1 and 6, and included in dependent claims 5 and 11.

Although the Office Action acknowledges that *Johnson* "does not teach said information input comprises customer profession and age information," the Office Action cited *Natsuno* as teaching these features. (*Office Action*, pg. 13.) Even assuming the Office Action's characterization of *Natsuno* is correct, which Applicants do not concede, *Natsuno* fails to cure the deficiencies of *Johnson* and *O'Mara*, discussed above. That is, *Natsuno* also fails to teach or suggest "calculat[ing] an internal credit score and internal credit limits by combining: the external credit score; the credit data received from the credit information manager; the credit limit master data; the calculated open and used credit; and the accounting information related to the customer" as recited in claims 1 and 6 and included in claims 5 and 11 dependent therefrom.

For at least the foregoing reasons, the Office Action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the prior art and claims 5 and 11. Moreover, the Office Action has not identified any factors that would have motivated one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combination. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim obvious to one of ordinary skill in the art. Therefore, a prima facie case of obviousness has not been established with respect to claims 5 and 11 and these claims should be allowed.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 5 and 11 under 35 U.S.C. § 103(a).

Claims 16, 18-25, 33, and 34 under 35

Applicants respectfully traverse the rejection of claims 16, 18-25, 33, and 34 under 35 U.S.C. § 103 as obvious from *Johnson* in view of *O'Mara* and further in view of *Mills*. A prima facie case of obviousness has not been established.

Claim 16 calls for a combination including, for example, "calculating, by a computer, a total exposure from said internal accounting information, wherein the total exposure comprises a total of the open items, the new orders, the unbilled items, and the billed but not posted items." The Office Action concedes that *Johnson* does not disclose "wherein said internal accounting information comprises data relating to open items, new orders, and unbilled and billed but not posted items" as recited in claim 16. (*Office Action*, pg. 15.) *O'Mara* also does not recite these elements.

The Office Action cited *Mills* as a teaching of "credit limits based on new trades." (*Id.*) Even assuming the Office Action's characterization of *Mills* is correct, which Applicants do not concede, *Mills* fails to cure the deficiencies of *Johnson* and *O'Mara*, discussed above. That is, *Mills* also fails to teach or suggest "calculating, by a computer, a total exposure [comprising] a total of said open items, said new orders, and said unbilled and billed but not posted items" as recited in claim 16. *Mills* discloses "netting when adjusting utilized credit after deal execution." (*Mills* 12:64-65, emphasis added.) *Mills* further discloses calculating the credit exposure as a net of the currency delivered and currency received due to the sale and purchase of the same instrument or a group of designated instruments by two netting parties. (*See Mills* 12:63-15:32.) However, neither this portion of *Mills*, nor any other, constitutes a teaching of "calculating, by a computer, a total exposure from said internal accounting information,

wherein the total exposure comprises a total of said open items, said new orders, and said unbilled and billed but not posted items" as recited in claim 16. (Emphasis added.)

For at least the foregoing reasons, the Office Action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the prior art and claim 16. Moreover, the Office Action has not identified any factors that would have motivated one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combination. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claim obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 16 and the claim should be allowed.

Independent claims 19 and 33 although of a different scope from claim 16, include elements similar to those set forth above with respect to claim 16. Accordingly a *prima facie* case of obviousness has not been established for claims 19 and 33 for at least reasons similar to those given above and these claims should be allowed.

Claims 18, 20-25, and 34 depend from one of independent claims 16, 19, and 33 and are, thus, allowable at least for the reasons set forth above with regard to their respective allowable base claims.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 16, 18-25, 33, and 34 under 35 U.S.C. § 103(a).

IV. CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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